

EXHIBIT 1

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

MAR 22 2022

BY 
JACQUELINE HARNESS, DEPUTY

JACOBY & MEYERS ATTORNEYS LLP
SHANE HAPUARACHY, State Bar No. 271887
shapuarachy@jacobyandmeyers.com
GRETA M. CURRY, State Bar No. 328584
gcurry@jacobyandmeyers.com
JUBIN J. NIAMEHR, State Bar No. 266794
jn@jacobyandmeyers.com
10900 Wilshire Boulevard, 15th Floor
Los Angeles, California 90024
Tel: (310) 312-3300 | Fax: (310) 715-8331

Attorneys for Plaintiff AARON MISQUEZ

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO**

AARON MISQUEZ, an individual;

Plaintiff,

vs.

STEVEN RYKBOS, an individual; YRC INC.,
a corporation, and DOES 1 through 50,
inclusive,

Defendants.

Case No.: **CIV SB 2206594**

COMPLAINT FOR DAMAGES FOR

1. NEGLIGENCE

DEMAND FOR JURY TRIAL

COMES NOW Plaintiff AARON MISQUEZ who complains and alleges as follows:

JURISDICTION AND VENUE

1. Plaintiff AARON MISQUEZ ("Plaintiff,") is, and at all relevant times was, a resident of Pomona, County of Los Angeles, State of California.

2. Plaintiff is informed and believes, and thereupon alleges that at all times mentioned herein, Defendant STEVEN RYKBOS, an individual, was a resident of Banning, County of Riverside, State of California.

3. Plaintiff is informed and believes and thereon alleges that, at all times herein mentioned, defendant YRC INC., (hereinafter "YRC,,"), was and is a corporation authorized to do business and doing business in the County of San Bernardino, State of California. Plaintiff is

1 further informed and believes and thereon alleges that, at all times herein mentioned, YRC is
 2 licensed as a general freight carrier in the County of San Bernardino, State of California, operating
 3 under USDOT Number 71821.

4 4. The true names and capacities, whether individual, plural, corporate, partnership,
 5 associate or otherwise of DOES 1 through 50, inclusive, are presently unknown to Plaintiff, who
 6 therefore sues said Defendants by such fictitious names. The full extent of the facts linking such
 7 factiously sued Defendants with the causes of action alleged herein is unknown to Plaintiff.
 8 Plaintiff is informed and believes, and thereupon alleges, that each of the Defendants designated
 9 herein as a DOE was and is negligently, carelessly, recklessly, unlawfully, tortuously, wantonly,
 10 wrongfully, illegally, or in some other actionable matter, responsible for the events and
 11 happenings hereinafter referred to, and thereby negligently, carelessly, recklessly, unlawfully,
 12 tortuously, wantonly, wrongfully, and illegally proximately caused the hereinafter described
 13 injuries and damages to Plaintiff. Plaintiff will later file an amendment to this Complaint or seek
 14 leave of Court to amend this Complaint to show Defendants' true names and capacities after the
 15 same has been ascertained.

16 5. Plaintiff is informed and believes, and thereupon alleges, that at all times
 17 mentioned herein, Defendants, and each of them, including DOES 1 through 50, inclusive, and
 18 each of them, were agents, servants, employees and joint venturers of each other, and were, as
 19 such, acting within the course, scope and authority of said agency, employment and joint venture,
 20 and that each and every Defendant, as aforesaid, when acting as a principal, was negligent in the
 21 selection and hiring of each and every Defendant as an agent, employee, contractor, subcontractor
 22 and joint venture, and that each Defendant, by and through its officers, officials, directors,
 23 managers, supervisors and/or managing agents, authorized, ratified and otherwise approved the
 24 acts of the remaining Defendants, and that said officers, directors, or managing agents participated
 25 in said acts with the Defendants, including DOES 1 through 50, inclusive, and each of them.

26 **FIRST CAUSE OF ACTION**

27 **(Negligence against All Defendants)**

28 6. Plaintiff repeats, realleges, and incorporates by this reference as though set forth in

JACOBY & MEYERS ATTORNEYS LLP
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full herein all prior allegations of this Complaint.

7. Plaintiff is informed and believes, and thereon alleges, that at all times herein mentioned, defendants YRC and DOES 1 through 20, were the owners of the vehicle which was involved in a collision with Plaintiff, and which is referred to herein as the “2009 VOLVO 3 AXLE TRACTOR”.

8. Plaintiff is informed and believes, and thereon alleges, that at all times herein mentioned, defendants STEVEN RYKBOS and DOES 21 through 30, were driving and/or in control of the 2009 VOLVO 3 AXLE TRACTOR as described in paragraph 7 herein with the express and implied knowledge, permission and consent of the remaining defendants, and each of them.

9. At all times herein mentioned, Interstate 10 and Sierra Avenue were and are public streets and/or highways in Fontana, County of San Bernardino, State of California.

10. Plaintiff is informed and believes, at all times herein, Defendants owed a duty of care to all reasonably foreseeable people, including Plaintiff, to own, manage, maintain, control, entrust, and operate their respective vehicles in a reasonable manner, as codified in, without limitation, Civil Code section 1714 and Vehicle Code section 22350.

11. Plaintiff is informed and believes, and thereon alleges, that on or about December 12, 2021, Plaintiff was standing outside his vehicle on Interstate 10 Eastbound near Sierra Avenue when the 2009 VOLVO 3 AXLE TRACTOR collided into Plaintiff. At said time and place, the defendants, and each of them, breached their duty of care by so negligently and recklessly owned, controlled, maintained, repaired, leased, used, rented, operated, permitted, entrusted, supervised, managed and drove their vehicles, so as to cause the same to violently collide with Plaintiff, thereby damaging the property and injuring Plaintiff as herein set forth.

12. As a direct and legal result of the conduct of the defendants, and each of them, Plaintiff was hurt and injured in Plaintiff’s health, strength, and activity, sustaining injury to Plaintiff’s body and shock and injury to Plaintiff’s nervous system and person, all of which said injuries have caused and continue to cause Plaintiff great mental physical and nervous strain, pain and suffering. Plaintiff is informed and believes, and thereon alleges, that Plaintiff will thereby be

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permanently disabled all to Plaintiff's general damages in an amount which is not known at this time. Plaintiff will ask leave to amend this complaint at such time as the exact amount of this damage is ascertained or proved at time of trial.

13. As a direct and legal result of the conduct of the defendants, and each of them, Plaintiff was required to and did employ physicians, surgeons and other health care providers to examine, treat, and care for Plaintiff and did incur and will incur medical and related expenses, and will need to hire and retain healthcare providers for future care and treatment, the exact amount of which are not known at this time. Plaintiff will ask leave to amend at such time as the exact amount of this loss is ascertained or proved at time of trial.

14. As a direct and legal result of the conduct of the defendants, and each of them, Plaintiff has been prevented from performing the duties normally required of him in his business and occupation, and has suffered, and will continue to suffer, lost and diminished income, earnings and earning capacity, the future earning capacity of Plaintiff has been impaired, all to the Plaintiff's further loss, in an amount not known at this time. Plaintiff will ask leave to amend this Complaint to set forth the exact amount, extent and nature of this loss when same has been ascertained or proven at time of trial.

15. As a direct and legal result of the conduct of the defendants, Plaintiff's vehicle was damaged, and plaintiff suffered a loss of use of plaintiff's vehicle, all to his further damage in an exact amount according to proof at time of trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against the Defendants, and each of them, as follows:

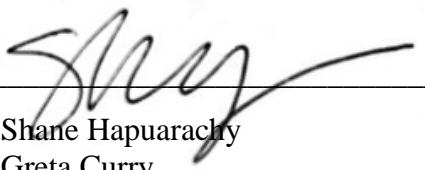
1. For past and future general damages, according to proof;
2. For past and future medical expenses, according to proof;
3. For past and future lost earnings and lost earning capacity, according to proof;
4. For pre- and post-judgment interest;
5. For costs of suit incurred herein;

6. For such other and further relief as the Court deems just and proper.

Dated: March 21, 2022

JACOBY & MEYERS ATTORNEYS LLP

By: _____


Shane Hapuarachy

Greta Curry

Attorneys for Plaintiff, AARON
MISQUEZ

JACOBY & MEYERS ATTORNEYS LLP
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DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury on all issues triable by jury.

Dated: March 21, 2022

JACOBY & MEYERS ATTORNEYS LLP

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Shane Hapuarachy

Greta Curry

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MISQUEZ

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